

REMARKS

Claims 1-7 were rejected under 35 U.S.C. 102(b) as being anticipated by Rekow et al '281.

According to the Office Action, Rekow et al. disclose methods of forming dentures, including the steps of capturing digital information of a patients' oral cavity, adding to the digital information from stored digital data of full dentures, and combining the data so as to produce a new denture. The computer may be used in the actual production of the new denture. Rekow et al.'s use of CAD/CAM is specifically noted by the Examiner apparently to show anticipation of the processing step incorporating this limitation as recited in Claim 6.

However, Rekow et al. does not contemplate, intimate, teach, suggest or anticipate the use of the Rapid Prototyping manufacturing step for making a disposable dental prosthesis of the type that can be made from plastics usable in current rapid model prototype manufacturing to meet consumer demand for virtually instant or overnight dentures using current real time fast transfer of voluminous data via DSL and deliver by interfacing with computer operated and managed such as offered in the United States by Federal Express and the U.S. Postal Service. Such overnight delivery services as described and combined in the novel process the inventor has developed provide heretofore unavailable overnight inexpensive disposable dentures compared the two week wait for using prior art methods which in addition are costly, labor intensive, and require expensive materials in the end product. Nor does Rekow et al. anticipate or suggest to capture a historical digital image of a person's natural teeth at an early age for archiving and use years later in the construction of dentures for that person.

Prior to the novel process described in the inventor's patent application, the art merely allowed a person to lose and/or repair teeth with fillings, crowns, and inlays over a period without a conception of the idea to record and save the person's natural oral cavity topography for later reproduction in a denture. The novel method includes but goes beyond using a previously prepared or "canned" cosmetic or styled digital model to a service process where actual teeth of a person are scanned and digitized early in life for use later in life when artificial dentures are needed by the person.

In the dependent claims, the novel process goes far beyond the polished abraded and hand detailed dentures anticipated and/or suggested by Rekow et al. to "disposable" dentures made cheaply, accurately, and capably using rapid prototyping techniques to create a "plastic" denture overnight with little or no hand work needed.

Any prima facie presumption of anticipation based on Rekow et al. or the other references cited as pertinent has been obviated by the claims as now amended.

In a failed attempt to accurately reflect what the inventor regards as his invention as fully recited in the specification, the three independent claims 1, 6, and 7 were initially written in Jepson format. In claim 1 as amended the preamble of this format now accurately anticipates Rekow et al and expands beyond this art in the novel recitation of a combination of steps well beyond that disclosed and anticipated by Rekow et al. However, the continued use of this format is not construed as an estoppel and is not to be construed as an implied admission under In re Ehrreich, 200 USPQ 504, 510 (CCPA 1979).

As to claims 6 and 7, this format failed to express clearly the novel improvements of the inventor, e.g. disposability and rapid automated manufacturing, which are not described in the reference cited as anticipatory. The Jepson format had to be abandoned in claims 6 and 7 in

view of the *novel* and *distinguishing* limitations now added to these claims.

The revised claims present elements and steps neither suggested, mentioned, recited, averred, or anticipated by Rekow et. al or any of the other art cited as pertinent, whether taken singly or as a combination. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Clearly, all outstanding issues in the rejection have been addressed. Claims 1-7 as amended are not anticipated by Rekow et al. Accordingly, it is respectfully requested that the Examiner issue a notice of allowance and notice of base issue fee due for claims 1 -7 forthwith.



SN 09/712,081

The cited references do not suggest, either singly or in combination, the claimed subject matter or its desirability. The particular prior art references cited and not relied upon even if combined with Rekow et al. do not show or suggest the applicant's novel combination of processing steps. Applicant has clearly overcome the anticipation rejection. Patentable subject matter is recited in the amended claims.

Since clearly novel patentable subject matter is described, if minor changes to the narrowed claims submitted are necessary to expedite issuance of a Notice of Allowance, it is respectfully solicited that the Examiner contact the firm by phone at **(609) 882-2111** in an attempt to accomplish such changes in the claims by Examiner's amendment.

Respectfully submitted,
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Dated: November 23, 2001

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Enclosures: Certificate of Mailing

CERTIFICATE OF MAILING

I hereby certify that this Amendment A with accompanying documents (The fee and petition for a two month) are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on November 27, 2001.

Typed or printed name of person signing this certificate: Jeryl Marcus

Signature: 

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